HONORABLE THOMAS S. ZILLY 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 HUNTERS CAPITAL, LLC et al., 10 Case No. 20-cv-00983 TSZ Plaintiffs, DECLARATION OF JOSEPH GROSHONG 11 IN SUPPORT OF CITY OF SEATTLE'S v. 12 MOTION FOR A STAY OF DISCOVERY CITY OF SEATTLE, 13 Defendant. 14 15 I, Joseph Groshong, declare as follows: 16 1. I am an Assistant City Attorney for the City of Seattle. I am over age 18, competent to be a witness, and making this declaration based on facts within my own personal knowledge. 17 2. 18 Attached as Exhibit 1 are true and correct copies of Plaintiff Hunters Capital, 19 LLC's First Requests for Production to Defendant City of Seattle, which were served on August 20 31, 2020. 21 3. Attached as Exhibit 2 are true and correct copies of Plaintiff Hunters Capital, 22 LLC's First Set of Interrogatories to Defendant City of Seattle, which were served on August 31, 23 2020. 24 4. The City has started work on its responses to the plaintiffs' pending discovery 25 requests. LAW OFFICES DECLARATION OF JOSEPH GROSHONG IN SUPPORT OF CITY HARRIGAN LEYH FARMER & THOMSEN LLP

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OF SEATTLE'S MOTION FOR A STAY OF DISCOVERY - 1

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- 5. Even if the requests for production are narrowed by agreement as to custodians pursuant to the procedure outlined in the Court's Model ESI Agreement, responding to the plaintiffs' requests will require the City to divert its employees from other important work in order to collect, organize, and review a massive amount of data ranging from electronic communications to video files. These efforts will require weeks, if not months, of the City's work in collaboration with its various departments and outside counsel.
- 6. I participated in the parties' Rule 26(f) conferences on August 17 and September 9. At each conference, the City requested an agreed stay of discovery pending the Court's ruling on the motion to dismiss. Both times, plaintiffs' counsel declined the request but did not explain what discovery they needed in order to replead in the event the complaint is dismissed, if any. Plaintiffs' counsel agreed that the parties should negotiate an agreement based on the Court's Model ESI Agreement, but were not prepared at the September 9 conference to discuss the custodians or search terms the City should utilize in searching for documents responsive to their requests as that agreement contemplates; however, they agreed to extend by 30 days the deadline for responses to their requests.

I swear under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 10th day of September, 2020, at Seattle, Washington.

__s/Joseph Groshong JOSEPH GROSHONG